

Panaji, 24th January, 1974 (Magha 4, 1895)

SERIES I No. 43

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN  
AND DIU

Finance Department (Revenue)

Notification

Special Department

Fin(Rev)/2-35/GEN/2/103/69

Notification

OSD/RRVS/47/73-II

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules amending the Goa Government Directorate of Agriculture, Assistant Agricultural Officer (Grade I) class II Gazetted post Recruitment Rules 1970 issued under Notification No. OSD/RRVS/47/67 dated 12th February, 1970 published in Government Gazette Series I, No. 1 dated 2nd April, 1970 read with Notification No. OSD/RRVS/47/71-II dated 18th March 1972 published in Government Gazette Series I No. 53 dated 30th March, 1972, namely:—

1. *Short title and Commencement:* (i) These rules may be called the Goa Government Directorate of Agriculture Class II Gazetted posts Recruitment (Third Amendment) Rules, 1974.

(ii) They shall come into force at once.

2. In the Schedule attached to the said Notification. — (a) for the existing entry in column 1 substitute:—

“Assistant Agricultural Officer Grade I  
Research Officer Agriculture  
Radio Contact Officer  
Training Officer Male.”

(b) for the existing entry in column 2 substitute: “16”.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandare, Deputy Secretary (Appointment).

Panaji, 18th January, 1974.

In exercise of the powers conferred by section 22 of the Goa, Daman and Diu Excise Duty Act, 1964, (5 of 1964) the Government of Goa, Daman and Diu hereby makes the following further amendment to the Goa, Daman and Diu Excise Duty Rules, 1964, namely:—

1. (i) These rules may be called the Goa, Daman and Diu (Sixteenth Amendment) Rules, 1973.

(ii) They shall come into force at once.

2. *Amendment of rule 72.*— For the existing sub-rule (5) of rule 72 of the Goa, Daman and Diu Excise Duty Rules, 1964 (hereinafter called the “principal rules”), the following shall be substituted, namely:—

“(5) If no bidder appears for the first auction or the offer is not accepted under the next succeeding sub-rule or any of the instalments is not paid as prescribed by sub-rule (8) the auction shall be held for a second time after due notice has been published in the newspapers at least 8 days before the date fixed for auction. Thereafter, if the zones still remain unbidded or any instalment towards the bid accepted in the second auction is not paid under the same rule-rule (8), the zones shall be disposed of by tender or otherwise at the discretion of the Commissioner.

The Commissioner shall in the form prescribed invite tenders for the zones remained unbidded in the first and second auctions. Every such tender shall accompany a receipt in the prescribed form for having deposited an amount of Rs. 100/- as earnest money. Separate tenders shall be submitted for each zone. The deposits made by the unsuccessful tenderers shall be returned to them.

3. *Amendment of rule 75.*— For the existing rule 75 of the principal rules, the following shall be substituted, namely:—

“(75) In cases where the zones are disposed of by tender or otherwise in accordance with the provision of sub-rule (5) of rule 72, the amount of highest offer accepted shall, in the first instance, be collected immediately after the acceptance of the same. Thereafter if the duty

assessed on the production in such zones exceeds the amount of the highest offer, the excess duty shall be collected. If, on the other hand, the duty assessed on the production in such zones is less than the amount of the highest offer, no refund shall be admissible.

In case of failure to pay the amount of the highest offer as aforesaid, the earnest money of Rs. 100/- shall be forfeited.

The provision of this rule and of sub-rule (5) of rule 72, shall *mutatis mutandis* apply to the zones disposed of otherwise than by auctions and tenders."

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

Puran Singh, Finance Secretary.

Panaji, 10th January, 1974.

### Law and Judiciary Department

#### Notification

LD/4498/73

The following Central Acts which were recently passed by the Parliament and assented to by the President of India are hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 16th November, 1973.

#### The Coking and Non-Coking Coal Mines (Nationalisation) Amendment Act, 1973

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to amend the Coking Coal Mines (Nationalisation) Act, 1972, and the Coal Mines (Nationalisation) Act 1973.

Be it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

1. **Short title and commencement.**— (1) This Act may be called the Coking and Non-Coking Coal Mines (Nationalisation) Amendment Act, 1973.

(2) The amendments to the Coking Coal Mines (Nationalisation) Act, 1972, shall 36 of 1972. be deemed to have come into force on the 1st day of May, 1972, and the amendments to the Coal Mines (Nationalisation) Act, 1973, shall be deemed to have come into force on the 1st day of May, 1973. 26 of 1973.

2. **Amendment of section of Act 36 of 1972.**— In section 4 of the Coking Coal Mines (Nationalisation) Act, 1972 (hereinafter referred to as the Coking

Coal Act), after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) If after the appointed day, the Central Government is satisfied, whether from any information received by it or otherwise, that there has been any error, omission or misdescription in relation to the particulars of a coking coal mine included in the First Schedule or the name and address of the owner of any such coking coal mine, it may, by notification, correct such error, omission or misdescription, and on the issue of such notification, the relevant entries in the First Schedule shall be, and shall be deemed always to have been, corrected accordingly:

Provided that no such correction in relation to the ownership of a coking coal mine shall be made where such ownership is in dispute."

3. **Amendment of section 5.**— Section 5 of the Coking Coal Act shall be re-numbered, as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) If after the appointed day, the Central Government is satisfied, whether from any information received by it or otherwise, that there has been any error, omission or misdescription in relation to the particulars of a coke oven plant included in the Second Schedule or the name and address of the owner of any such coke oven plant, it may, by notification, correct such error, omission or misdescription, and on the issue of such notification, the relevant entries in the Second Schedule shall be, and shall be deemed always to have been, corrected accordingly:

Provided that no such correction in relation to the ownership of a coke oven plant shall be made where such ownership is in dispute."

4. **Insertion of new section 12A.**— After section 12 of the Coking Coal Act, the following section shall be inserted, namely:—

"12A. **Workers' dues to be paid out of the amount.**— (1) Out of the amount payable—

(a) under section 10 and section 12 to the owner of every coking coal mine or group of coking coal mines;

(b) under section 11 and section 12 to the owner of every coke oven plant, there shall be paid to every person employed by such owner, a sum equal to the amount of arrears due, on the appointed day, to such employee,—

(i) in relation to a provident fund, pension fund, gratuity fund or any other fund established for the welfare of such employee; and  
(ii) as wages.

(3) Every employee to whom the whole or any part of the arrears referred to in sub-section (1) is due shall file the proof of his claim to the Commissioner within such time, after the commencement of the Coking and Non-Coking Coal Mines (Nationalisation) Amendment Act, 1973, as the Commissioner may fix.

(3) The provisions of section 23 shall, as far as may be, apply to the filing, admission or

rejection of the proofs referred to in sub-section (2).

(4) The Commissioner shall, after the admission or rejection of the claims made under sub-section (2), determine the total amount of the arrears referred to in sub-section (1), and shall, after such determination, deduct, in the first instance, out of the amount paid to him under section 21, a sum equal to the total amount of such arrears.

(5) All sums deducted by the Commissioner under sub-section (4) shall, in accordance with such rules as may be made under this Act, be credited by the Commissioner to the relevant fund or be paid to the persons to whom such sums are due, and on such credit or payment, the liability of the owner of the coking coal mine or group of coking coal mines or coke oven plant, as the case may be, in respect of the amounts of arrears due as aforesaid, shall stand discharged.

(6) The deductions made by the Commissioner under sub-section (4) shall have priority over all other debts, whether secured or unsecured.

(7) Save as otherwise provided in the foregoing sub-sections, every secured debt due from the owner of a coking coal mine or group of coking coal mines or coke oven plant, as the case may be, shall have priority over all other debts and shall be paid in accordance with the rights and interests of the secured creditors."

#### 5. Amendment of section 23. — In section 23 of the Coking Coal Act, —

(i) after sub-section (1), the following sub-section shall be inserted, namely: —

"(1A) Without prejudice to the provisions of sub-section (1), claims in relation to a provident fund, pension fund, gratuity fund or any other fund established for the welfare of the persons employed by the owner of a coking mine or group of coking coal mines or a coke oven plant may be filed on behalf of the persons so employed by the Coal Mines Provident Fund Commissioner appointed by the Central Government under section 3C of the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948; and the claims 46 of 1948. so made shall be deemed to have been made by the persons having a claim against the owner of a coking coal mine or group of coking coal mines or a coke oven plant, as the case may be:

Provided that no such claim shall be made by the Coal Mines Provident Fund Commissioner in relation to a person who has already made a claim under sub-section (1).";

(ii) in sub-section (2), —

(a) clause (b) shall be omitted;

(b) for clause (d), the following clause shall be substituted, namely: —

"(d) all sums deducted by the employer from the salary or wages of any workman

or other employee of the coking coal mine or group of coking coal mines or coke oven plant, as the case may be, for credit to any provident fund, or any other fund established for the welfare of such workmen or other employees but not deposited to the credit of the said fund;";

(c) in clause (e), for the words "as royalty, rent or dead rent, as the case may be", the words "including royalty, rent and dead rent" shall be substituted;

(iii) to sub-section (10), the following proviso shall be added, namely: —

"Provided that where a person who is a Judge of a High Court is appointed to be the Commissioner, such appeal shall lie to the High Court for the State in which the coking coal mine or coke oven plant, as the case may be, is situated, and such appeal shall be heard and disposed of by not less than two Judges of the High Court."

#### 6. Amendment of section 20 of Act 26 of 1973. — Section 20 of the Coal Mines (Nationalisation) Act, 1973, shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely: —

"(2) Without prejudice to the provisions of sub-section (1), claims in relation to a provident fund, pension fund, gratuity fund or any other fund established for the welfare of the persons employed by the owner of a coal mine or group of coal mines may be filed on behalf of the persons so employed by the Coal Mines Provident Fund Commissioner appointed by the Central Government under section 3C of the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948; and the claims 46 of 1948. so made shall be deemed to have been made by the persons having a claim against the owner of a coal mine or group of coal mines:

Provided that no such claim shall be made by the Coal Mines Provident Fund Commissioner in relation to a person who has already made a claim under sub-section (1)."

#### The Reserve Bank of India (Amendment) Act, 1973

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ACT

further to amend the Reserve Bank of India Act, 1934.

Be it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows: —

1. Short title. — This Act may be called the Reserve Bank of India (Amendment) Act, 1973.

2. Amendment of section 17. — In section 17 of the Reserve Bank of India Act, 1934, after clause (13), the following 2 of 1934

clause shall be, and shall be deemed always to have been, inserted, namely:—

“(13A) participation in any arrangement for the clearing and settlement of any amounts due from, or to, any person or authority on account of the external trade of India with any other country or group of countries or of any remittances to, or from, that country or group of countries, including the advancing, or receiving, of any amount in any currency in connection therewith, and, for that purpose, becoming, with the approval of the Central Government, a member of any international or regional clearing union of central banks, monetary or other authorities, or being associated with any such clearing arrangements, or becoming a member of any body or association formed by central banks, monetary or other similar authorities, or being associated with the same in any manner;”.

**The National Co-operative Development Corporation  
(Amendment) Act, 1973**

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ACT

*to amend the National Co-operative Development Corporation Act, 1962.*

Be it enacted by Parliament in the Twenty-fourth Year of the Republic of India as follows:—

**1. Short title.**—This Act may be called the National Co-operative Development Corporation (Amendment) Act, 1973.

**2. Amendment of section 1.**—In sub-section (2) of section 1 of the National Co-operative Development Corporation Act, 1962 (hereinafter referred to as the principal Act), the words “except the State of Jammu and Kashmir” shall be omitted. 26 of 1962

**3. Insertion of new section 2A.**—After section 2 of the principal Act, the following section shall be inserted, namely:—

“2A. Construction of references to any law not in force or any functionary not in existence in the State of Jammu and Kashmir.—Any reference in this Act to any law which is not in force, or any functionary not in existence, in the State of Jammu and Kashmir, shall, in relation to that State, be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that State.”.

**4. Amendment of section 22.**—In sub-section (3) of section 22 of the principal Act, for the words “or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following”, the words “or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted.